IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9087 of 2005

Between:

A. KULASEKHAR, S/o. Late A. Kullayappa,
R/o. H.No.4/73, Eguvalingala Vill,
Lingala Mandal, kadapa District-516396.

..... PETITIONER

AND

1 The District Collector, Kadapa - 516 001.
2 The Revenue Divisional Officer, Jammalamadugu Division, Kadapa District.
3 The mandal Revenue Officer, Lingala Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an order or direction more particularly one in the nature of writ of mandamus and declaring the action of 2nd respondent issuing impugned order bearing proceedings No.B/1547/2005 dt. 30.3.2005 calling for applications from the Women Candidates who belongs to schedule caste for appointing as F.P.Shop Dealer of Eguvalingala Village, Lingala Mandal, Kadapa District in the place of the petitioner is highly illegally, arbitrary, against principles of natural justice and violative of fundamental rights guaranteed under Indian constitution and direct the 1st & 2nd respondents to appoint the petitioner as permanent F.P.Shop Delaer of Eguvalingala Village, Lingala Mandal, Kadapa District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.RAVINDRA BABU

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

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ORAL ORDER:

Heard both sides.

In this Writ Petition, the petitioner is seeking a writ of Mandamus, declaring the action of the second respondent in issuing the impugned proceedings dated 30.3.2005 calling for applications from the Women Candidates who belongs to Schedule Caste for appointment as Fair Price Shop Dealer of Eguvalingala Village, Lingala Mandal, Kadapa District in place of the petitioner as highly illegal, arbitrary and consequently, direct the first and second respondents to appoint the petitioner as permanent Fair Price Shop Delaer of Eguvalingala Village, Lingala Mandal, Kadapa District.

Brief facts of the case are that the petitioner's father was appointed as Fair Price Shop Dealer of Eguvalingala Village, Lingala Mandal, Kadapa District in the year 1983 and he discharged his functions as Fair Price Shop Dealer with the active assistance of the petitioner till his death i.e, 2.4.2002. Subsequent to the death of his father, the petitioner made an application to the Joint Collector, Kadapa District, for appointing him as Fair Price Shop Dealer in his father's place. The Joint collector in turn directed the second respondent to consider the appointment of the petitioner. Therefore, the second respondent directed the third respondent to submit a report in this regard. The second respondent-Revenue Divisional Officer, after taking into consideration the report of the third respondent-Mandal Revenue Officer dated 10.5.2002, appointed the petitioner as Fair Price shop Dealer in place of his late father, temporarily for six months. After expiry of six months duration, the petitioner made an application to the Joint Collector on 13.1.2003 for appointing him as Fair

Price Shop Dealer of Eguvalingala Village, Lingala Mandal, Kadapa District on permanent basis. While so, the second respondent illegally issued a notification vide proceedings dated 15.12.2004 calling applications from the suitable Women Candidates belongs to S.C. community for the appointment of Fair Price Shop Dealer of Eguvalingala Vilalge. In response to the same, the petitioner's wife has been called for interview but for the reasons best known to the second respondent she was not selected. While so, the second respondent once again issued a notification vide proceedings No. B/1547/2004 dated 30.3.2005, illegally calling for applications from the women candidates who belongs to S.C. Category and fixed last date for the receipt of the applications on 11.4.2004. Aggrieved by the same, the present Writ Petition has been filed.

The learned counsel appearing for the petitioner submits that the second respondent without any notice to the petitioner issued the notification vide proceedings dated 30.3.2005. He also submits that the petitioner has got his temporary appointment in his father's place and therefore, he should not be denied for appointment as Fair Price Shop Dealer on permanent basis.

Having regard to the facts and circumstances and also on perusal of the material on record, it is seen that the petitioner was appointed as Fair Price Shop Dealer on temporary basis in his father's place. Prima facie, once the post is reserved for woman candidates who belong to S. C. category, the petitioner has no right to hold authorization. Therefore, I see no merits in the Writ Petition and accordingly, the Writ petition is dismissed. However, it is needless to mention that till the regular appointment is made, the petitioner shall be continued as Fair Price Shop Dealer of Eguvalangala Village, Lingala Mandal, Kadapa District. No order as to costs.

ELIPE DHARMA RAO,J

DATED: 25.04.2005

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To

1 The District Collector, Kadapa - 516 001.
2 The Revenue Divisional Officer, Jammalamadugu Division, Kadapa District.
3 The mandal Revenue Officer, Lingala Mandal, Kadapa District.

4. Two CCs to G.P.for Civil Supplies, High Court of A.P. Hyderabad, (OUT)

5. Two CD copies.